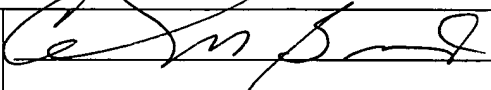


#7

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

By: 	Date: <u>Jan 21, 2003</u>
---	---------------------------

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re:	:	Patent Application of	:	Group Art Unit 1632
	:	Gotz Nowak, <i>et al.</i>	:	
Conf. No.:	:	5694	:	
Appln. No.	:	09/517,863	:	Examiner: D. Crouch
Filed:	:	March 3, 2000	:	
For:	:	SEPARATION PROCESS	:	Attorney Docket
	:		:	No. 9282-101US
	:		:	(D 1062 US)

**RECEIVED**

JAN 29 2003

**OFFICE OF PETITIONS****RESPONSE TO RESTRICTION REQUIREMENT**

This Response is submitted in response to the Office Action mailed October 2, 2001 (Paper No. 4). This Response accompanies a Petition for Revival of the Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b).

Claims 1-16 are pending in the application. In Paper No. 4, the Examiner has requested that the Applicants elect among the species claimed.

**I. Restriction of Species of "at least one structural element"**

Specifically, at page 2, numbered paragraph 1, of Paper No. 4, the Examiner has asserted that the application contains claims directed to a patentably distinct species of the invention when the structural element is an acid or is an amine as in claim 3. The Examiner has stated that claims 1, 2, and 11-16 are generic.

In response to this restriction requirement, the Applicants elect, for initial prosecution, the species of the claimed invention wherein the polymer surface comprises at least one structural element that is an acid, *i.e.* having the formula A as in claim 3 wherein X is CH<sub>2</sub> or O. The Applicants make this election with the understanding that, upon allowance of the generic claims, the Examiner will consider the claims to additional species which come within the scope of the generic claims. 37 C.F.R. § 1.141. Claims 3-10 are readable on the above elected species.

## **II. Restriction of Species Separation Substance**

At page 3 of the Office Action, referring to the specification at page 5, paragraph 1, the Examiner has asserted that claims 1-16 are generic to a plurality of disclosed patentably distinct species regarding the substance to be separated. The Examiner has required that the Applicants elect a single disclosed species.

This requirement is unclear to the Applicants. The specification teaches that the materials to be physically separated from one another in the method of the invention are the structural element A of, for example, claim 3, and the linker which is shown, for example on page 6, second paragraph of the specification. It is by breaking the bond between the structural element A and the linker, that the separation is achieved, as the substance to be separated is attached to the linker. If the Examiner is requiring that the Applicant elect among the disclosed linkers, the Applicants hereby elect the linkers that are polyalkylene glycols.

If, however, the Examiner is requesting that the restriction is to be among the types of active substances which are bonded *via* the linker to the polymeric surface, the Applicants hereby elect proteins, as disclosed at page 5, paragraph 1, line 4. In either case, the Applicants make the election with the understanding that, upon finding the claims to be allowable as to the elected species, the Examiner will examine the claims with respect to the related species. 37 C.F.R. § 1.141.

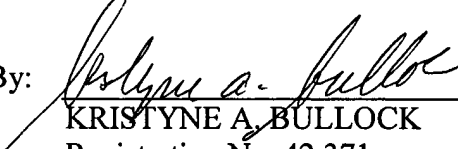
The Applicants respectfully request examinations of claims 1-16 at the earliest opportunity. If the Examiner has any questions relating to the above elections, it is respectfully requested that she contact the undersigned.

Respectfully submitted,

Gotz Nowak, *et al.*

21 January 2003  
(Date)

By:

  
KRISTYNE A. BULLOCK

Registration No. 42,371

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7086

Telephone: 215-965-1200

**Direct Dial: 215-965-1348**

Facsimile: 215-965-1210

E-Mail: [kbullock@akingump.com](mailto:kbullock@akingump.com)

KAB:cmb

**RECEIVED**

JAN 29 2003

OFFICE OF PETITIONS